

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:
- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: Oct. 17 & Oct. 20, 2014
 - b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: December 4, 2014
4. DESCRIPTION OF VARIANCE SOUGHT: The Petitioner is requesting a minor two (2) lot subdivision and lot line change, consisting of an existing single-family residence located on Lot #1, and a proposed single-family dwelling to be located on proposed Lot #2. The Petitioner is also requesting to maintain a prior built gazebo and tennis court. Petitioner's property has frontage on Chestnut Lane and Balmville Road, and it is located in the R-1 – Residence District in the Town of Newburgh. On Petitioner's Proposed Lot #1, the Lot Area provided is 22,923.7 square feet, the Lot Width provided is 110.3 feet, the 1 Side Yard Setback is 8.7 feet, Both Side Yard Setback is 38.5 feet, the Lot Building Coverage is 14.8% and the Lot Surface Coverage is 32.3%. Town Code Chapter 185 Attachment 7, Table of Use and Bulk Regulations for the R-1 District – Schedule 3, provides that the Minimum Lot Area is 40,000 square feet, the minimum Lot Width is 150 feet, the minimum 1 Side Yard Setback is 30.0 feet, the minimum Both Side Yard Setback is 80.0 feet, the maximum Lot Building Coverage is 10% and the maximum Lot Surface Coverage is 20%, requiring area variances of 17,076.3 square feet for the Lot Area, 39.7 feet for Lot Width, 21.3 feet for the 1 Side Yard Setback, 41.5 feet for Both Side Yard Setback, 4.8% for the Lot Building Coverage and 12.3% for the Lot Surface Coverage.
- Additionally, on Petitioner's Proposed Lot #2, the Lot Area provided is 34,275.6 square feet, the Lot Width provided is 127.0 feet and the Lot Surface Coverage is 34%. Town Code Chapter 185 Attachment 7, Table of Use and Bulk Regulations for the R-1 District – Schedule 3, provides that the minimum Lot Area is 40,000 square feet, the minimum Lot Width is 150.0 feet and the maximum Lot Surface Coverage is 20%, requiring area variances of 5,724.4 square feet for the Lot Area, 23.0 feet for the Lot Width and 14% for the Lot Surface Coverage. The proposed Lot #2 also contains a gazebo and a pre-existing tennis court, which is a permitted accessory use, and is screened using vegetation. Town Code §185-43(E) requires that any such tennis court and surrounding fence shall be screened from view from adjacent properties or a variance must be sought.
5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:
- a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:
N/A

- b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:

N/A

- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:

N/A

- d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

N/A

6. IF AN AREA VARIANCE IS REQUESTED:

- a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

The proposed two (2) lot minor subdivision and lot line change, located on approximately 1.31 +/- acres of land is the site of a pre-existing single-family dwelling, located west of Balmville Road, north of Chestnut Lane, and adjacent to residential parcels and the Powelton Club, (Country Club, Golf Course and Tennis Club). The existing single-family residence and pre-existing tennis court and gazebo will remain, and the tennis court has been screened from adjacent properties. The requested variances for the lot area, lot width, 1 side yard and both side yards for Lot #1 would not be inconsistent with the character of the Residence District. Further, the maximum building coverage and lot surface coverage are a result of the shape of the lot. The proposed single-family dwelling on proposed Lot #2 is consistent with surrounding residential lots. The requested variances for lot area, lot width, and lot surface coverage are a result of the existing tennis court, and there would be would be limited potential negative visual impacts to the neighboring golf course which includes a tennis court, or neighboring residential uses which are screened. The variances for the setbacks would be primarily visible from Balmville Road and Chestnut Lane and would not be inconsistent with the character of Residence District. Due to the nature of the site, the adjacent property owners will not be negatively impacted.

- b) THE BENEFIT SOUGHT BY THE APPLICANT CANNOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:

As a result of the shape of the existing lot, with frontage on both Chestnut Lane and Balmville Road, these area variances are requested to construct a new single-family residence, and maintain an existing tennis court, which are consistent uses with adjacent properties. The Petitioner's proposed single-family dwelling is consistent with adjacent single-family homes, and there is no feasible way to reduce the size of the proposed dwelling, existing screened tennis court or the existing dwelling, and these variances must be sought. The benefit sought by the applicant cannot be achieved by any other method.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

The substantiality of a variance cannot be judged solely by a comparison of the percentage deviation from the mandated requirements of the zoning law. Instead, the overall effect of granting the relief is the appropriate inquiry. Here, as a result of shape of the lot, and its pre-existing permitted accessory screened tennis court, there would be limited potential negative visual impacts to neighboring residential and country club uses. The variances for the setbacks would be primarily visible from Balmville Road and Chestnut Lane. Due to the nature of the site, which is adjacent to a country club and single-family residential dwellings, the adjacent property owners will not be negatively impacted. The proposed single-family dwelling with the existing tennis court would not create a significant change, and therefore, if granted, would not be substantial.

d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:

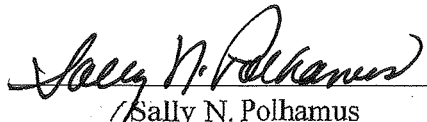
As noted above, the pre-existing accessory use screened tennis court, existing dwelling and gazebo and the proposed single-family residence would have limited potential negative visual impacts to the neighboring country club and residential uses. The variances for the setbacks would be primarily visible from Balmville Road and Chestnut Lane. These variances are not substantial and will have no adverse environmental or physical impacts on the neighborhood or on the district.

e) THE HARDSHIP HAS NOT BEEN SELF CREATED BECAUSE:

As noted by Terry Rice in his Practice Commentaries for Town Law §267-b, this factor is perhaps the most misunderstood factor in the balancing test. The fact that the property is purchased with knowledge of applicable zoning renders any difficulty self-created. However, just because a difficulty is self-created does not require the denial of the variances. Here it is important to note that the variances are required solely because of the limitation contained in the Town's Zoning Code, and that all other aspects of the proposed minor subdivision and lot line change application, meet the Code's requirements.

7. ADDITIONAL REASONS (IF PERTINENT):

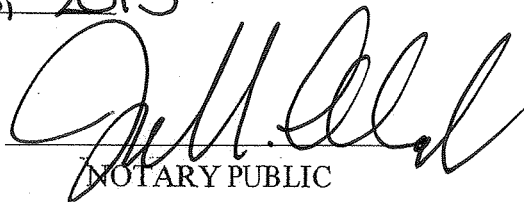
Please see the attached subdivision plan, and a copy of the narrative summary that accompanied the Town of Newburgh Planning Board application.


Sally N. Polhamus
PETITIONER (S) SIGNATURE

STATE OF

COUNTY

SWORN TO THIS 10th DAY OF June, 2015


NOTARY PUBLIC

JESSICA MICHELLE ALESANDRO
Notary Public, State of New York
Qualified in Orange County
No. 02AL6320634
Commission Expires March 9, 2019

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Polhamus Minor Subdivision & Lot Line Change			
Project Location (describe, and attach a location map): 65 Balmville Road, Newburgh, Orange County, New York, 12550. Tax Parcel 43-3-34.2, in proximity to the intersection of Chestnut Lane.			
Brief Description of Proposed Action: The action involves a request for area type variances for a proposed two (2)-lot minor subdivision and a lot line change consisting of an existing single-family residence located on Lot #1, and a proposed single-family dwelling to be located on proposed Lot #2. The action involves a 1.31 +/- acre parcel located in the R-1 Residence Zoning District in the Town of Newburgh.			
Name of Applicant or Sponsor: Sally N. Polhamus		Telephone: 917-299-6798	
		E-Mail: snpolhamus@verizon.net	
Address: 65 Balmville Road			
City/PO: Newburgh		State: New York	Zip Code: 12550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO
			YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Town of Newburgh Zoning Board of Appeals (Area type variances), Planning Board Subdivision Approval.			NO
			YES
3.a. Total acreage of the site of the proposed action		1.31 +/- acres	
b. Total acreage to be physically disturbed?		0.4 +/- acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.31 +/- acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): Powelton Club Golf Course			
<input type="checkbox"/> Parkland			

		NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?			X	
	b. Consistent with the adopted comprehensive plan?		X	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?			NO	YES
				X
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____			NO	YES
			X	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			NO	YES
			X	
			X	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____			NO	YES
				X
10. Will the proposed action connect to an existing public/private water supply? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES] If No, describe method for providing potable water: _____ _____			NO	YES
				X
11. Will the proposed action connect to existing wastewater utilities? [If Yes, does the existing system have capacity to provide service? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing wastewater treatment: _____ _____			NO	YES
			X	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? Adjacent to Powelton Club. b. Is the proposed action located in an archeological sensitive area? Per EAF Mapper, adjacent to Powelton Club.			NO	YES
			X	
				X
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____			NO	YES
				X
			X	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban				
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?			NO	YES
				X
16. Is the project site located in the 100 year flood plain?			NO	YES
			X	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____			NO	YES
			X	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO X	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO X	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO X	YES
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Sally N. Polhamus</u>		Date: <u>6/10/15</u>
Signature: <u><i>Sally N. Polhamus</i></u>		

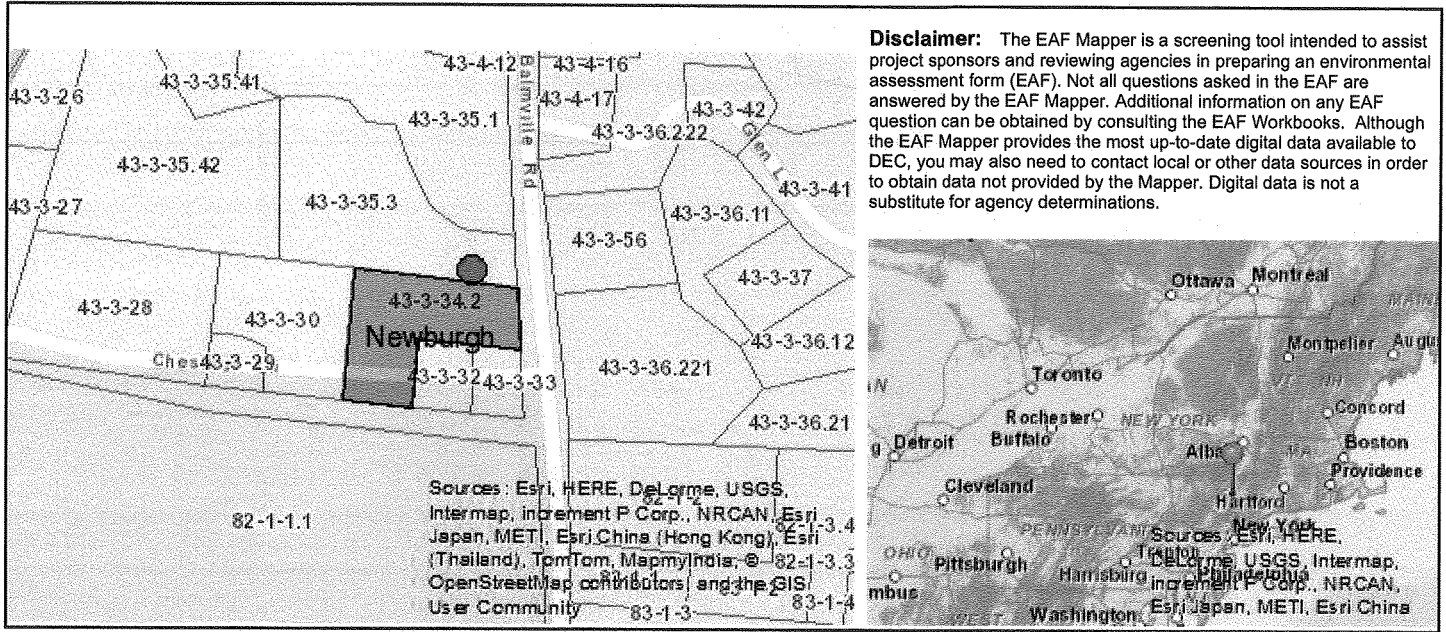
Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

Susan Carlstrom DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 27 Holmes Road, Newburgh, New York 12550,

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT HE/SHE IS THE REPRESENTATIVE OF THE OWNER IN FEE OF title to certain real property located at 65 Balmville Road, Newburgh New York, identified on the Tax Map as Section 43-3-34.2, Town of Newburgh, 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Drake Loeb PLLC and Maser Consulting

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.


DATED: 6/15/15


Susan Carlstrom
OWNER'S SIGNATURE


WITNESS' SIGNATURE

STATE OF New York COUNTY OF Orange :

SWORN TO THIS 15th DAY OF June 2015


NOTARY PUBLIC

JESSICA MICHELLE ALESANDRO
Notary Public, State of New York
Qualified in Orange County
No. 02AL6320634
Commission Expires March 9, 2019

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

Sally N. Polhamus Living Trust & Peter Polhamus DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 65 Balmville Road, Newburgh, New York 12550,

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT HE/SHE IS THE REPRESENTATIVE OF THE OWNER IN FEE OF title to certain real property located at 65 Balmville Road, Newburgh New York, identified on the Tax Map as Section 43-3-34.2, Town of Newburgh, 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED Drake Loeb PLLC and Maser Consulting

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 6/10/2015

Sally N. Polhamus
Sally N. Polhamus
OWNER'S SIGNATURE

DATED: —

Counterparts.
Peter Polhamus
OWNER'S SIGNATURE

Sally N. Polhamus Living Trust & Peter Polhamus
OWNER'S NAME

Cherie Yimts
WITNESS SIGNATURE

STATE OF New York COUNTY Orange :

SWORN TO THIS 10th DAY OF June 20 15

Jessica Michelle Alesandro
NOTARY PUBLIC
JESSICA MICHELLE ALESANDRO
Notary Public, State of New York
Qualified in Orange County
No. 02AL6320634
Commission Expires March 9, 2019

TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

Sally N. Polhamus Living Trust & Peter Polhamus DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 65 Balmville Road, Newburgh, New York 12550,

IN THE COUNTY OF Orange AND STATE OF New York

AND THAT HE/SHE IS THE REPRESENTATIVE OF THE OWNER IN FEE OF title to certain real property located at 65 Balmville Road, Newburgh New York, identified on the Tax Map as Section 43-3-34.2, Town of Newburgh, 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED Drake Loeb PLLC and Maser Consulting

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: _____

Sally N. Polhamus
OWNER'S SIGNATURE

DATED: 6/10/15

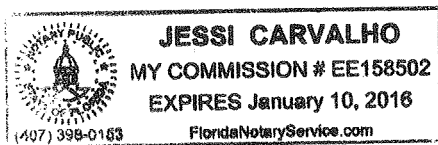
Peter Polhamus
OWNER'S SIGNATURE

Sally N. Polhamus Living Trust & Peter Polhamus
OWNER'S NAME

Patty Miranda
WITNESS' SIGNATURE

STATE OF Florida : COUNTY Broward :

SWORN TO THIS 10 DAY OF June 2015



Jessi Carvalho
NOTARY PUBLIC

Dickover, Donnelly & Donovan, LLP
Attorneys and Counselors at Law

David A. Donovan
Michael H. Donnelly
Robert J. Dickover

Successor Law Firm To:
Alexander Appelbaum, P.C., Florida, N.Y. (1915-1988)
Ludmerer & Vurno, Esqs., Warwick, N.Y.

28 Bruen Place
P.O. Box 610
Goshen, NY 10924
Phone (845) 294-9447
mail@ddbllaw.com
Fax (845) 294-6553
(Not for Service of Process)

December 4, 2014

Town of Newburgh Planning Board
308 Gardnertown Road
Newburgh, NY 12550

RE: Polhamus Subdivision (14.24)
Section 43, Block 3, Lot 34.2
65 Balmville Road / R-1 Zoning District

Members of the Board:

I write to you as the attorney for the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting held on November 20, 2014 seeking a two-lot subdivision approval.

In order to accomplish this objective, area variances will be required from the zoning board of appeals as follows:

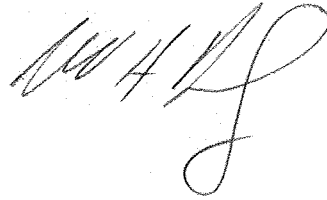
- Proposed Lot #1 – area variances for lot area, lot width, one side yard, both side yards, lot building coverage and lot surface coverage.
- Proposed Lot #2 – area variances for lot area, lot width and lot surface coverage.

It is possible that the applicant will also need a variance from the tennis court screening requirement set forth in Section 185-43 of the Town of Newburgh Code. This should be clarified with the Code Compliance Supervisor.

The planning board has no particular issues to bring to your attention or recommendations to make to you in regard to this referral.

Please note this letter supersedes the referral previously sent on November 21, 2014.

Very truly yours,

A handwritten signature in black ink, appearing to read "M H D", written in a cursive style.

MICHAEL H. DONNELLY

cc: Town of Newburgh Planning Board
Maser Consulting, P.A.



TOWN OF NEWBURGH
~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

TELEPHONE 845-564-7801
FAX LINE 845-564-7802

CERTIFICATE OF COMPLIANCE

Location: 65 Balmville Rd Newburgh , NY

Sec-Blk-Lot: 43-3-34.2

Cert. No: 14-0697

Demolition Permit No.: 14-0697

Cert. Date: October 22, 2014

THIS CERTIFIES that the work described herein conforms substantially to the approved plans and specifications heretofore filed in this office with the Application for Demolition Permit dated: 09/29/2014, pursuant to which a Demolition Permit was issued, and conforms to all the requirements of the applicable provisions of the law.

The structure for which this certificate is issued is as follows:

Material:

No. Stories:

No. Families:

Dim. of Stru.:

No. Bedrooms:

No. Toilets:

Use of Stru.:

Dim. of Lot:

Census Code:

No. Bathrooms:

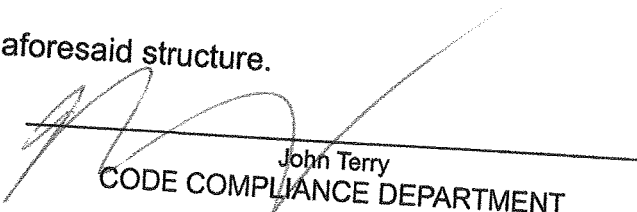
Heating Plant:

Description of Work:

REMOVE UNDERGROUND FUEL OIL TANK

Receipt(s): .02124

This certificate is issued to: Susan Carlstrom for the aforesaid structure.


John Terry
CODE COMPLIANCE DEPARTMENT

The Certificate of Compliance will be issued only after affidavits or other competent evidence is submitted to the Superintendent of Buildings that the completion of the construction in compliance with the State Building Construction Code and with other laws, ordinances or regulations affecting the premises, and in conformity with the approved plans and specifications. A final electrical, plumbing, heating, or sanitation certificate or other evidence of compliance may be required before the issuance of the Certificate of Compliance.

James R. Loeb
Richard J. Drake, *retired*
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Timothy P. McElduff, Jr.
Ralph L. Puglielle, Jr.
Nicholas A. Pascale

Benjamin M. Wilkinson
Lisa M. Card
Alana R. Bartley
Jessica M. Alesandro

Jennifer L. Schneider
Managing Attorney

*LL.M. in Taxation

June 15, 2015

BY HAND DELIVERY

Zoning Board of Appeals
1496 New York 300
Town of Newburgh, New York 12550
Attn: Board Members

Re: Polhamus Minor Subdivision and Lot Line Change Variance Application
Our File No.: 14155 - 65886

Dear Board Members:

The applicant, Sally N. Polhamus, respectfully submits a variance application for a minor two (2)-lot subdivision and lot line change, consisting of an existing single-family residence located on Lot #1, and a proposed single-family dwelling to be located on proposed Lot #2. The applicant is also requesting variances to maintain a prior built gazebo and tennis court. The 1.31 +/- acre parcel currently consists of one (1) lot that has frontage on both Chestnut Lane and Balmville Road, located in R-1 Residence zoning district in the Town of Newburgh, identified on the tax map as section 43, block 3, lot 34.2 (SBL 43-3-34.2).

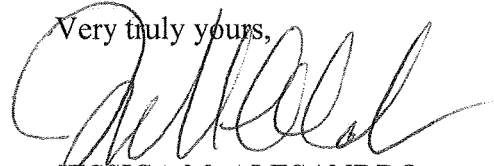
On the applicant's Proposed Lot #1, the Lot Area provided is 22,923.7 square feet, the Lot Width provided is 110.3 feet, the 1 Side Yard Setback is 8.7 feet, Both Side Yard Setback is 38.5 feet, the Lot Building Coverage is 14.8% and the Lot Surface Coverage is 32.3%. Town Code Chapter 185 Attachment 7, Table of Use and Bulk Regulations for the R-1 District – Schedule 3, provides that the Minimum Lot Area is 40,000 square feet, the minimum Lot Width is 150 feet, the minimum 1 Side Yard Setback is 30.0 feet, the minimum Both Side Yard Setback is 80.0 feet, the maximum Lot Building Coverage is 10% and the maximum Lot Surface Coverage is 20%, requiring area variances of 17,076.3 square feet for the Lot Area, 39.7 feet for Lot Width, 21.3 feet for the 1 Side Yard Setback, 41.5 feet for Both Side Yard Setback, 4.8% for the Lot Building Coverage and 12.3% for the Lot Surface Coverage.

Additionally, on the applicant's Proposed Lot #2, the Lot Area provided is 34,275.6 square feet, the Lot Width provided is 127.0 feet and the Lot Surface Coverage is 34%. Town Code Chapter 185 Attachment 7, Table of Use and Bulk Regulations for the R-1 District – Schedule 3, provides that the minimum Lot Area is 40,000 square feet, the minimum Lot Width is 150.0 feet and the maximum Lot Surface Coverage is 20%, requiring area variances of 5,724.4 square feet for the Lot Area, 23.0 feet for the Lot Width and 14% for the Lot Surface Coverage. The proposed Lot #2 also contains a gazebo and a pre-existing tennis court, which is a permitted accessory use, and is screened using vegetation. Town Code §§185-43(E) & (F) require that any such tennis

screened using vegetation. Town Code §§185-43(E) & (F) require that any such tennis court and surrounding fence shall be screened from view from adjacent properties and that a tennis court should be located in a side or rear yard, so a variance must be sought. Lastly, Town Code §185-15(A) requires accessory buildings to be located in a side or rear yard and thus a variance must be sought for the existing gazebo.

The Town of Newburgh Planning Board Attorney provided a referral letter, dated December 4, 2014, and the Code Compliance Department issued two (2) Notice of Disproval of Building Permit letters, dated October 17, and October 20, 2014, respectively. We request to be placed on the next available Zoning Board of Appeals agenda. If you have any questions or comments, please feel free to contact me.

Very truly yours,



JESSICA M. ALESANDRO

JMA/TMP/395849

Enclosures

cc: Sally N. Polhamus
Peter Polhamus
(by email only)

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK: NAME(S) OF PARTY(S) TO DOCUMENT

Sally N. Polhamus & Susan Carlstrom TO Sally N. Polhamus Living Trust dated 01/11/2006 & Susan Carlstrom

SECTION 43 BLOCK 3 LOT 31 & 34



RECORD AND RETURN TO: (name and address)

Bustein, Shapiro & Rich, LLP 90 Crystal Run Road, Suite 409 Middletown, New York 10941

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

- 2089 BLOOMING GROVE (TN) 4289 MONTGOMERY (TN) NO PAGES 7 CROSS REF.
2003 SO. BLOOMING GROVE (VLG) 4201 MAYBROOK (VLG) CERT. COPY ADD'L X-REF.
2001 WASHINGTONVILLE (VLG) 4203 MONTGOMERY (VLG) MAP# PGS.
2289 CHESTER (TN) 4205 WALDEN (VLG) PAYMENT TYPE: CHECK [checked]
2201 CHESTER (VLG) 4489 MOUNT HOPE (TN) CASH
2489 CORNWALL (TN) 4401 OTISVILLE (VLG) CHARGE
2401 CORNWALL (VLG) 4600 NEWBURGH (TN) NO FEE
2600 CRAWFORD (TN) 4800 NEW WINDSOR (TN) Taxable
3089 GOSHEN (TN) 5089 TUXEDO (TN) CONSIDERATION \$ 0
3001 GOSHEN (VLG) 5001 TUXEDO PARK (VLG) TAX EXEMPT
3003 FLORIDA (VLG) 5200 WALLKILL (TN) Taxable
3005 CHESTER (VLG) 5489 WARWICK (TN) MORTGAGE AMT. \$
3200 GREENVILLE (TN) 5401 FLORIDA (VLG)
3489 HAMPTONBURGH (TN) 5403 GREENWOOD LAKE (VLG)
3401 MAYBROOK (VLG) 5405 WARWICK (VLG)
3689 HIGHLANDS (TN) 5600 WAWAYANDA (TN) MORTGAGE TAX TYPE:
3601 HIGHLAND FALLS (VLG) 5889 WOODBURY (TN) (A) COMMERCIAL/FULL 1%
3889 MINISINK (TN) 5801 HARRIMAN (VLG) (B) 1 OR 2 FAMILY
3801 UNIONVILLE (VLG) 5809 WOODBURY (VLG) (C) UNDER \$10,000
4089 MONROE (TN) CITIES (E) EXEMPT
4001 MONROE (VLG) 10900 MIDDLETOWN (F) 3 TO 6 UNITS
4003 HARRIMAN (VLG) X 1100 NEWBURGH (I) NAT.PERSON/CR. UNION
4005 KIRYAS JOEL (VLG) 1300 PORT JERVIS (J) NAT.PER-CR.UN/1 OR 2
9999 HOLD (K) CONDO

Donna L. Benson

DONNA L. BENSON ORANGE COUNTY CLERK

Received From

Bustein

RECORDED/FILED 03/12/2007/ 13:34:46 DONNA L. BENSON County Clerk ORANGE COUNTY, NY FILE # 20070026011 DEED R / BK 12386 PG 0315 RECORDING FEES 117.00 TTX# 006517 TAX 0.00 Receipt#703999 maryp

STATE OF NEW YORK (COUNTY OF ORANGE) SS: I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE ON March 12, 2007 AND THE SAME IS A CORRECT TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Ann G. Rabbit June 8, 2015

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS, ORANGE COUNTY



BARGAIN AND SALE DEED
With Covenants Against Grantors Acts

THIS INDENTURE, made the 1st day of MARCH, two thousand seven,

BETWEEN SALLY N. POLHAMUS, residing at 102 Mountain Road, Cornwall-on-Hudson, NY 12520 and SUSAN CARLSTROM, residing at 27 Holmes Road, Newburgh, NY 12550, party of the first part, and

SALLY N. POLHAMUS and PETER C. POLHAMUS, Trustees, or their successors in trust, under the SALLY N. POLHAMUS LIVING TRUST, dated January 11, 2000, and any amendments thereto, residing at 102 Mountain Road, Cornwall-on-Hudson, NY 12520, and SUSAN CARLSTROM, residing at 27 Holmes Road, Newburgh, NY 12550, party of the second part, as Tenants in Common,

WITNESSETH, that the party of the first part, in consideration of One (\$1.00) Dollar lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, their heirs or successor and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange, State of New York, being more particularly described in Schedule "A" attached hereto.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD, the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

This is an intra-family transfer and no search was requested of the attorney and no search was done.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

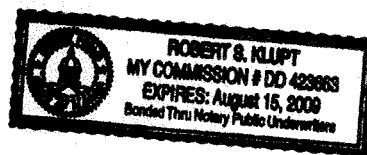
Sally N. Polhamus
Sally N. Polhamus

Susan Carlstrom
Susan Carlstrom

STATE OF FLORIDA
COUNTY OF BROWARD

On the 1ST day of MARCH, in the year 2007, before me the undersigned, a Notary Public in and for said state, personally appeared Sally N. Polhamus, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in his/her capacity and that by his/her signature on the instrument, the individual or person on behalf of which the individual acted, executed the instrument.

Robert S. Klupt
Notary Public



STATE OF NEW YORK:
COUNTY OF ORANGE :

On the 5 day of January, in the year 2007, before me the undersigned, a Notary Public in and for said state, personally appeared Susan Carlstrom, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in his/her capacity and that by his/her signature on the instrument, the individual or person on behalf of which the individual acted, executed the instrument.

Donna M. Wood
Notary Public

DONNA M. WOOD
Notary Public, State of New York
No. 01WO4873767
Qualified in Orange County
Commission Expires 10/20/2010

SCHEDULE A

Parcel A

BEGINNING at a point in the center line of Chestnut Lane distant 256.36 feet on a course of north 73° -00' West from the intersection of the same with the center line of the Balmville Road said point of beginning being also the southwest corner of lands now or formerly of one Schwartz and runs thence along the center line of Chestnut Lane north 73° -00' west 127.0 feet; thence at right angles to Chestnut Lane through lands now or formerly of John Yanakis north 17° -00' east 260.03 feet to the southerly line of lands of Henry J. Jova; thence along the southerly line of lands of said Jova south 72° -30' east 127.01 feet to the northwest corner of lands heretofore conveyed to W. Irving Kilgour and later by Kilgour conveyed to Nelson as recorded in Liber 1629 of deeds at page 123; thence along the westerly line of said lands and on the same line continued along the westerly line of lands of said Schwartz south 17° -00' west 258.92 feet to the center line of Chestnut Lane and the place of beginning. Containing 0.756 acres more or less.

Parcel B

BEGINNING at a point in the center line of the Balmville Road, which point is the northeasterly corner of the premises conveyed by RUDOLPH NEUSS to Allen David Shapiro and wife, by Deed dated November 16, 1950 and recorded in the Orange County Clerk's Office on November 24, 1950 in Liber 1180 of Deeds at page 303; and runs thence along the center line of said road North 7° 25' East 109.80 feet to a point; and runs thence North 72° 30' West 163.72 feet along the lands of Henry Jova to a stake; and runs thence South 17° 00' West 109.70 feet to a point in the line of lands now or formerly of Joseph Schwartz and Irving Schwartz; and runs thence along the lands of Schwartz and along the lands of Shapiro, aforesaid, South 73° 00' East 182.0 feet to the point or place of beginning.

BEGINNING at a point in the northeast corner of lands conveyed to John Yanakis and Helen Yanakis, husband and wife, by the following two deeds: (1) Augustus W. Bennet, Executor u/lwt of Laura Daniel, deceased dated September 12, 1956 and recorded in the Orange County Clerk's Office on September 17, 1956 in Liber 1400 of Deeds at page 567; and (2) Mary C. Daniel and Lucy D. Meehan, dated September 12, 1956, and recorded in the Orange County Clerk's Office on September 17, 1956 in Liber 1400 of Deeds at page 569, said point also being the northwest corner of lands conveyed to William Irving Kilgour and Lola May Kilgour, husband and wife, by Rudolph Neuss by Deed dated November 9, 1956 and recorded in the Orange County Clerk's Office on November 13, 1956 in Liber 1407 of Deeds at page 325, and runs thence along the southerly line of lands of Henry J. Jova North 72° 30' West 49.24 feet to a point which is the northeast corner of the parcel first described in this instrument; thence along the same South 17° West 110.13 feet to a point which is the northwesterly corner of lands of one Schwartz; thence along the lands of said Schwartz South 73° East 49.24 feet to a point which is the southwesterly corner of the parcel conveyed to Kilgour by Neuss as aforesaid; thence along said Kilgour's westerly line North 17° East 109.70 feet to the point or place of beginning.

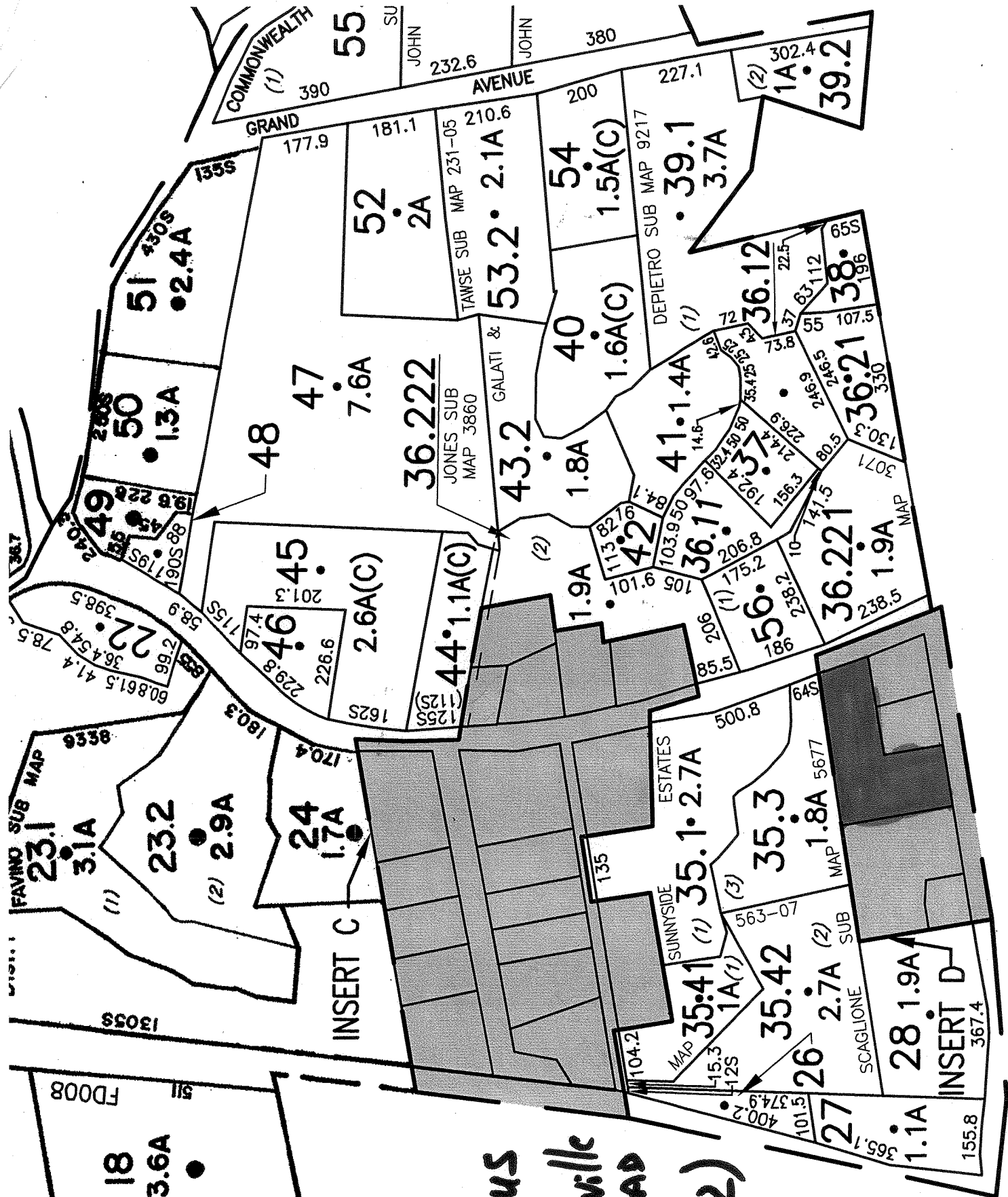
BEING the same premises described in a deed dated January 29, 1997 from Lucile G. Nelson to the Lucile G. Nelson Qualified Personal Residence Trust Agreement No 1 dated 12/5/97, and recorded in the Orange County Clerk's Office in Liber 4541 at Page 155.

BEING the same premises described in a deed dated 12/26/06 from Lucille G. Nelson Qualified Personal Residence Trust to Sally N. Polhamus and Susan Carlstrom



Polhamus
65 BALMILLE ROAD

(43-3-34.2)



Polhamus
 65 Balmville
 Road
 (43-3-34.2)